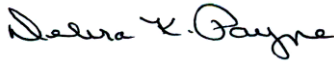
 <p>POLICIES AND PROCEDURES</p> <p>State of Tennessee Department of Intellectual and Developmental Disabilities</p>	Policy #: 80.2.3	Page 1 of 4
	Effective Date: September 14, 2016	
	Distribution: A	
Policy Type: Administrative	Supersedes: 80.2.3 (06/23/13, 10/22/13)	
Approved by:  Commissioner	Last Review or Revision: August 11, 2016	
Subject: INVESTIGATION REVIEW COMMITTEE		

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 33-1-203, TCA 33-1-302(a)(3), TCA 33-1-303, TCA 33-1-305, and TCA 33-2-402.

- II. **PURPOSE:** To establish a process to review the conclusion(s) of Final Investigation Reports which are eligible for review, and for which review has been properly requested, when new or additional information is presented that was not considered during the investigation or a question concerning the integrity of the investigative process is identified.

- III. **APPLICATION:** This policy applies to employees of the Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or "Department") and members of the Investigation Review Committee.

- IV. **DEFINITIONS:**
 - A. **Abuse** shall mean the knowing infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.

 - B. **Commissioner** shall mean the Commissioner of DIDD or his or her designee.

 - C. **Exploitation** shall mean actions including but not limited to the deliberate misplacement, misappropriation or wrongful temporary or permanent use of belongings or money with or without the consent of a person using services. The illegal or improper use of a person's resources or status for another's benefit or advantage is considered exploitation.

 - D. **Investigation** shall mean a formal procedure for the collection, review and examination of allegations of abuse, neglect, exploitation, serious injury of unknown cause, suspicious injury or unexpected or unexplained death of an individual receiving services and supports through DIDD.

 - E. **Investigation Review Committee (IRC)** shall mean a committee comprised of DIDD employees and representatives of outside entities as described below, the purpose of which is to review Final Investigation Reports as originally submitted and make decisions to uphold, modify or overturn the original conclusions.

 - F. **Neglect** shall mean the failure to provide goods or services necessary to avoid physical harm, mental anguish or mental illness, which results in injury or probable risk of serious harm.

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- V. **POLICY:** The Department shall establish and maintain an Investigation Review Committee. The committee shall consider those requests for review of Final Investigation Reports that meet the criteria for review and make decisions to uphold, modify or overturn the original conclusions.

VI. **PROCEDURES:**

A. Investigation Review Committee Members

1. The committee's voting membership shall consist of eleven (11) persons appointed by the Commissioner, or his or her designee, representing the following DIDD offices or areas of operation and outside entities:
 - a. DIDD's Deputy Commissioner of Program Operations;
 - b. DIDD's Director of Behavior and Psychological Services;
 - c. DIDD's Director of Nursing;
 - d. DIDD's ICF/IID Liaison;
 - e. DIDD's Deputy Director of Quality Assurance;
 - f. DIDD's Director of Person Centered Practices;
 - g. A designated representative from a DIDD-contracted provider of services;
 - h. A designated representative of the Adult Protective Services unit of the Tennessee Department of Human Services;
 - i. A designated representative of Disability Rights Tennessee;
 - j. A designated representative of the Arc of Tennessee; and
 - k. A designated representative of the Tennessee Council on Developmental Disabilities.

- B. The Commissioner shall appoint one of the members to serve as the IRC chairperson. The chairperson shall cast a vote only in the event of a tie. The Commissioner shall also appoint a member of the committee to serve as vice-chairperson, who will chair the meeting in the event the chairperson is absent or unable to participate in discussions on a particular case.

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C. Committee Meetings

1. The IRC shall meet monthly or as necessary to conduct business before it. The chairperson shall set the meeting date and time and provide reasonable advance notice to the members.
2. A quorum shall consist of seven (7) committee members in attendance at the meeting.
3. Votes submitted via email, letter or proxy will not be accepted.
4. Each Request for Investigation Review form and supporting documents shall be provided to committee members, the Investigations Coordinator and the investigator no less than five (5) business days prior to the scheduled meeting.
5. The committee shall keep minutes of its meetings which shall reflect its decisions and the substance of its deliberations.

C. Requests for Investigation Review

Requests for review shall conform to the requirements of the Request for Investigation Review form.

D. Investigation Review Committee Actions

1. The IRC shall, upon review of the cases before it:
 - a. Determine whether additional information is needed before making a decision. If so, the chairperson shall request the information from the Investigations Coordinator or investigator. Upon receipt, the chairperson shall present the information at the next scheduled committee meeting.
 - b. Determine whether conclusions from the Final Investigation Report should be upheld, modified or overturned.
 - c. Once the review is closed by the Investigation Review Committee, the decision by the committee is final and may not be overturned or modified by any DIDD employee.

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2. Within five (5) business days of the meeting at which a determination is made, the chairperson shall inform the Commissioner or his or her designee of the committee's decision. The following parties shall also be notified:
 - a. The party which submitted the request for review;
 - b. The Director of Protection from Harm;
 - c. The Director of Investigations;
 - d. The Regional Director;
 - e. The Investigations Coordinator;
 - f. The Investigator; and
 - g. The Regional Protection from Harm Follow-Up Coordinator.

VII. **CQL STANDARDS:** 4a

VIII. **REVISION HISTORY:** June 23, 2013; October 22, 2013, January 16, 2016, August 11, 2016.

IX. **TENNCARE APPROVAL:** N/A

X. **ATTACHMENTS:**

- A. Request for Investigation Review Form - DIDD -0589